

OWCD TPs January 19, 2018

For OW Staff Meeting

Michigan PA98

- The draft response from the Administrator to Michigan Gov. Snyder's letter regarding PA 98 is currently with OCIR. We understand that the letter has been significantly edited. Please note that before it is signed by the Administrator, the letter needs to be reviewed by OGC and OW program leadership.

404 Assumption in Florida

- HQ continues to work with Reg 4 on resolving policy issues raised by the State of Florida as it prepares its 404 assumption package. One recent issue involved EPA's long-standing position on ESA section 7 consultation. OGC has opined that **Ex. 5 Attorney Client (AC)**
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WOTUS

- On Friday, John sent the letter signed by Dave and Ryan Fisher to the RTOC Co-chairs seeking their assistance in identifying tribal reps for the March workshop in DC. The DRAs, Jane Nishida and the regional Indian coordinators were also notified.
- Due to OMB staff unavailability, we will be conducting the economics overview briefing on January 29.

Ocean Acidification

- The Interagency Working Group on Ocean Acidification (IWGOA), of which EPA is a member, will be releasing a new collaborative website called the Ocean Acidification Information Exchange (OAIE) in February at the 2018 Ocean Sciences Meeting in Portland, OR. This site will facilitate a diverse group of researchers, resource managers, policymakers, educators and other stakeholders to share information, discuss ideas, and develop new collaborations.
- Jason Gear (ORD) and Amanda Santoni (OW) will be acting as team leads to demonstrate proper use of the site and generate interest. We anticipate that the OAIE will help advance EPA's coastal acidification network, and will be a new tool to aid communication.

For OWOW Weekly

FHWA Activities to Align with E.O. 13807

- On Jan 18, 2018, FHWA conducted its second meeting to develop/discuss a proposed strategy to implement E.O. 13807 (One NEPA document for all decision-makers, 2-Yr Completion Timeline).
- Gloria Sheppard, FHWA SES, spent the majority of time reviewing agency comments provided on the NEPA/Permit Tracker and ensuring agency comments were appropriately incorporated into tracker. EPA (404) provided two comments:
 - We supported the process change to issue the Corps' PN with the DEIS vs releasing the PN with the NEPA Notice of Intent (NOI). This will ensure there is greater information

available on the project to review when the PN is released and should reduce the potential need for sending a Q-letter.

- We applauded their efforts for having a lot of upfront time to be spent on pre-application meetings that will allow for early identification of issues and resolution. We recommended that we be identified on the tracker as a co-implementer of the 404 program with the Corps. They made the change, and further it was supported by the Corps. This will ensure that we are brought also to the table early to discuss purpose, alternatives, evaluation criteria, impacts, and potential mitigation strategies.
- Note: it is expected that tracker will not be used until E.O. 13807 Guidance is provided by CEQ. FHWA is in close coordination with this effort with CEQ.
- Gloria also noted that she will be sending a Working Agreement to the SES leads. This document will acknowledge that we will all work together as a team in developing a strategy that will help to implement the Tracker as per E.O. 13807. This document will note that each signatory will provide a good faith effort for working together. It is not a legal document, and it will not legally bind the agency to the conditions of the tracker. This document will be sent out next week, and Gloria's hope is that she will have all signed documents by end of January.

WOTUS –

- R4 has asked for TPs for their RA who will be speaking to external parties. We are happy to provide talking points for any Region requesting it. The larger issue is how and when to engage the Regions in the policy direction of the Step 2 rule and the analyses that the team is conducting. We would like to brief the informal workgroup prior to the February 20 webinar for states and tribes. How might Dave/Lee like to engage with RAs?
- (As appropriate) Status of Step 0 final rule and initial conversations with OMB on when/if they will accept the rule package in ROCIS